

WEDNESDAY, MARCH 29, 1995
TWENTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Gary Dodd, Brownsville Road Church of Christ, Memphis, Tennessee.

Representative Byrd led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kent; death in family.

Representative Winningham; personal reasons.

Representative Jackson; business reasons.

Representative Robinson; death in family.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 14: Rep(s). McKee as prime sponsor(s).

House Bill No. 84: Rep(s). Patton and Hicks as prime sponsor(s).

House Bill No. 103: Rep(s). Turner(Hamilton), Stulce, Cross, Ridgeway and Pinion as prime sponsor(s).

House Bill No. 289: Rep(s). Ritchie, Givens, Williams(Union), Wood, Callicott, Dunn, Coffey and Pinion as prime sponsor(s).

House Bill No. 971: Rep(s). Head and Windle as prime sponsor(s).

House Bill No. 1113: Rep(s). Stamps, McDonald, Towns, Armstrong, McDaniel, Burchett and Whitson as prime sponsor(s).

House Bill No. 1355: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1651: Rep(s). Byrd as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Stamps was/were removed as sponsor(s) of House Bill No. 1415.

On motion, Rep(s). Eckles was/were removed as sponsor(s) of House Bill No. 1709.

MESSAGE FROM THE GOVERNOR March 29, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 113, 116, 125, 134, 136, 137, 138, 139, 140, 142, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 159, 162 and 169, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE March 29, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 44, 146, 147, 277, 353, 354, 427, 428, 531, 589, 591, 659, 804, 1473, 1480, 1481, 1486, 1506, 1508, 1509 and 1512; also, Senate Joint Resolution(s) No(s). 18, 107, 109, 111, 112, 113, 114, 116, 117, 119 and 128; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

PERSONAL ORDERS

RECOGNITION

Rep. Armstrong asked that members of the East Tennessee United Parcel Service be recognized and that the Clerk read Senate Joint Resolution No. 120.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 198 -- Naming and Designating -- "Ramp Festival Day", May 7, 1995. by *Davis.

State and Local Government Committee

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 30, 1995:

House Joint Resolution No. 189 -- Memorials, Public Service -- Colonel Aubrey W. Anderson, Tennessee National Guard. by *Phillips, *Fowlkes.

House Joint Resolution No. 190 -- Memorials, Sports--1994-1995 Lawrence County High School boys' basketball team. by *White.

House Joint Resolution No. 191 -- Memorials, Sports--1994-1995 E. O. Coffman Middle School girls' basketball team, winner of James C. Hale State Tournament. by *White.

House Joint Resolution No. 192 -- Memorials, Sports--1994-1995 E. O. Coffman Middle School boys' basketball team. by *White.

House Joint Resolution No. 193 -- Memorials, Public Service--Former Germantown Mayor Charles Salvaggio on his selection as Lions Club "Citizen of the Year". by *Shirley, *Haley, *Hassell.

House Joint Resolution No. 194 -- Memorials, Sports--Jay Hood, Germantown High School baseball player. by *Shirley, *Byrd.

House Joint Resolution No. 195 -- Memorials, Retirement--Harry Shelly, Vice Mayor and Alderman, Middleton. by *Walley.

House Joint Resolution No. 196 -- Memorials, Retirement--Henry Seever, Fire Chief of Middleton. by *Walley.

House Joint Resolution No. 197 -- Memorials, Death--Mac H. Felts. by *Davidson.

House Joint Resolution No. 199 -- Memorials, Professional Achievement--Paul Bolden; Memphis Light, Gas, and Water Project MAX spokesperson. by *Miller L, *Towns, *Bowers, *Jones U (Shelby), *DeBerry J.

RESOLUTIONS LYING OVER

The following resolution(s) was/were referred to the appropriate Committee:

Senate Joint Resolution No. 118 -- Naming and Designating - "Native American Indian Month," October. by Rice, Henry, Dixon.

State and Local Government Committee

Senate Joint Resolution No. 123 -- Naming and Designating -- "Week of the Young Child in Anderson County," week of April 3, 1995. by *McNally.

State and Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1864 -- Manchester -- Subject to local approval, amends charter relative to the election of city officers. Amends Chapter 273, Private Acts of 1959, as amended. by *Lewis.

House Bill No. 1865 -- Oakdale -- Subject to local approval, revises city charter. Amends Chapter 587 of the Private Acts of 1911, as amended. by *Windle.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 121** -- Medical Occupations -- Revises membership of board of occupational and physical therapists; revises renewal of memberships to be based on applicant's birth month and birth year. Amends TCA 6313-103, 303, 306. by *Holcomb.

***Senate Bill No. 295** -- Purchasing -- Establishes thresholds for use of competitive bidding in local governments with population over 150,000. Amends TCA Title 12, Chapter 3, Part 10. by *Haynes.

***Senate Bill No. 459** -- Criminal Offenses -- Makes it Class C misdemeanor to attach or place sheets, signs or advertisements on fences that border interstate highways. Amends TCA Title 39, Chapter 17, Part 1. by *Harper.

***Senate Bill No. 554** -- Motor Vehicles, Titling and Registration -- Changes present uniform expiration date of March 31 for special license plate to staggered system determined by commissioner of safety. Amends TCA 55-4-104, 206. by *Koella.

***Senate Bill No. 744** -- Bail, Bail Bonds -- Raises maximum amount of arrest or bail bond certificate acceptable as arrest or bail bond to guarantee court appearance from \$1,000 to \$5,000. Amends TCA Section 40-11-146. by *Kyle.

***Senate Bill No. 1144** -- Sexual Offenses -- Adds to list that convicted persons are required to furnish biological specimen for DNA analysis, persons convicted of rape of child; allows use of DNA data in investigation of future child rapes. Amends TCA 38-6-113, 40-35-321. by *Haun.

***Senate Bill No. 1190** -- Insurance, Health, Accident -- Includes, rather than excludes, nonprofit hospital and medical service organization as member insurer under Tennessee Life and Health Insurance Guaranty Association Act. Amends TCA Section 56-12-203. by *Rochelle.

***Senate Bill No. 1689** -- Metropolitan Government -- Defines "competitive bidding" under metropolitan charter for purchases in excess of \$1,000; lists requirements for use of bidding process. Amends TCA Title 7, Chapter 3. by *Haynes.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1860 -- Gibson County -- Local Bill Held on House Desk

House Bill No. 1863 -- White Pine -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 28, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 30, 1995**: House Bill(s) No(s). 1401, 989, 856, 315, 1175, 1314, 888, 1134, 1487, 584, 643, 930 and 1201.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 30, 1995**: House Joint Resolution(s) No(s). 133.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 3, 1995**: Senate Joint Resolution(s) No(s). 13, House Joint Resolution(s) No(s). 91 and 114, House Bill(s) No(s). 934, 75, 66, 282, 226 and 974.

AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution(s) No(s). 143. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1340, 1343, 1491 and 1218; also House Bill(s) No(s). 1341,

1344, 1030, 1465 and 1217 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 950; also House Bill(s) No(s). 557 and 1215 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1591, 137, 556 and 1747; also House Bill(s) No(s). 651 and 1141 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1342, 458, 442 and 440; also House Bill(s) No(s). 441 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1454 and Senate Joint Resolution(s) No(s). 110; also House Bill(s) No(s). 853, 778, 747 and 1339 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 804; also House Bill(s) No(s). 1338 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1079, 775, 1655, 302, 831, 155 and 351 and House Resolution(s) No(s). 7; also House Bill(s) No(s). 1224, 89, 90, 1190, 1005, 1103 and 1280 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 968, 551 and 572 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 29, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 3, 1995**: House Bill(s) No(s). 1336 and 1472.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 30, 1995**: House Joint Resolution(s) No(s). 176.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 3, 1995**: House Joint Resolution(s) No(s). 78 and House Bill(s) No(s). 1192 and 1351.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 776, 1092, 1291 and 1708; also House Bill(s) No(s). 1264 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 594 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1469, 1691, 1309, 1266 and 1686; also House Bill(s) No(s). 20, 555 and 1324 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 1658, 1660, 902 and 650 and House Resolution No. 12; also House Bill(s) No(s). 655 and 1390 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Resolution No. 38 -- Memorials, Personal Achievements-- Eric Todd Sefton, Eagle Scout. by *Byrd.

House Resolution No. 39 -- Memorials, Personal Occasion-- Alexander Coure, Sr. by *Pruitt.

House Joint Resolution No. 187 -- Memorials, Retirement--James S. "Jimmy" Simpson. by *Walley.

House Joint Resolution No. 188 -- Memorials, Sports--1994-1995 Hillwood High School girls' basketball team. by *Odom.

Senate Joint Resolution No. 131 -- Memorials, Personal Achievement -- Paul Grayson Smith III, Eagle Scout. by *Miller J.

Senate Joint Resolution No. 121 -- Memorials, Death -- Dr. J.S. "Joe" Lyon. by *McNally.

Senate Joint Resolution No. 124 -- Memorials, Heroism -- Scott Reid. by *McNally.

Senate Joint Resolution No. 127 -- Memorials, Sports -- University of Memphis men's basketball team. by *Cohen, *Ford J, *Kyle, *Dixon, *Leatherwood, *Atchley, *Burks, *Carter, *Cooper, *Crowe, *Crutchfield, *Elsea, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Rep. DeBerry L. moved that all members of the Shelby County Delegation and Speaker Naifeh be added as sponsors to **Senate Joint Resolution No. 127**, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 341 -- Campaigns -- Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by *Kisber (*SB29 by *Cohen).

Further consideration of House Bill No. 341, previously considered on March 8, 1995, and reset to today's Calendar.

Rep. Kisber moved that House Bill No. 341 be reset to the Calendar for Wednesday, April 19, 1995, which motion prevailed.

***House Bill No. 103** -- Game and Fish Laws -- Allows mentally retarded persons receiving social security benefits to acquire sport

fishing license without paying fee. Amends TCA 70-2-104. by *Windle, *Boyer (SB392 by *Burks).

Further consideration of House Bill No. 103, previously considered on March 20, 1995, and March 22, 1995, and reset for today's Calendar.

On motion, House Bill No. 103 was made to conform with **Senate Bill No. 392**; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 392 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation and Environment Committee No. 1.

Rep. Cross moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 392 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 70-2-104, is amended by adding the following language as a new appropriately designated subdivision:

() Residents of Tennessee who receive social security benefits due to mental retardation are entitled to the privilege of sport fishing upon payment of a one-time three dollar (\$3.00) fee. Upon payment of such fee and presentation of evidence of such retardation satisfactory to the agency, such resident shall be issued a permanent license for sportfishing.

Rep. Windle requested that Senate Bill No. 392 be reset to the Calendar for Monday, April 3, 1995, which motion prevailed.

***House Bill No. 321 -- Animals --** Expands present law creating Class C misdemeanor to place poisonous substance causing death or injury to animals on property of another; if person knowingly places matter to lure or entice domestic animal to consume substance, action is Class C misdemeanor notwithstanding on whose property substance is placed. TCA 704-125. by *Windle (SB1444 by *Fowler).

Rep. Windle moved that House Bill No. 321 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 321 by deleting Section 1 in its entirety and by substituting instead the following new section:

SECTION 1. Tennessee Code Annotated, Section 70-4-125, is amended by adding the following as new subsection (b)

and by re-lettering the existing subsection (b) and subsequent subsections accordingly:

(b) No person shall knowingly or recklessly place or deposit, or cause to be placed or deposited, on such person's property a poisonous substance or any matter which would be rendered poisonous if consumed by an animal or human being if such poison or poisonous matter could be reasonably assumed to be accessible by a minor under the age of fifteen (15) years. The provisions of this subsection shall only apply if the placing or depositing of the poisonous substance is done with the intent of causing death or injury to a hunting dog or a domestic animal.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that **House Bill No. 321**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes	13
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, DeBerry, J., DeBerry, L., Fitzhugh, Ford, Garrett, Givens, Halteman Harwell, Hassell, Herron, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, Miller, Napier, Newton, Odum, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Clabough, Coffey, Davidson, Duer, Dunn, Gunnels, Haley, Head, Hicks, Joyce, McDonald, McMillan, Pinion - 13.

Representatives present and not voting were: Boyer, Callicott, Eckles, Fowlkes, Hargrove, Turner (Shelby), Williams (Union) -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 321 and have this statement entered in the Journal: Rep(s). Phillips and Bell.

REGULAR CALENDAR, CONTINUED

House Bill No. 971 -- Public Service Commission -- Permits toll-free countywide telephone calling. Amends TCA Title 65, Chapter 21, Part 1. by *Duer, *Curtiss, *Givens, *Cantrell, *Pinion, *Herron, *Newton, *Williams (Union), *McMillan (*SB1249 by *O'Brien, *Miller).

Rep. Duer moved that House Bill No. 971 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 971 by deleting subsection (a) from Section 1 and substituting instead the following:

(a) After January 1, 1996, any telephone call made between two (2) points in the same county in Tennessee shall be classified as toll free and shall not be billed to any customer.

AND FURTHER AMEND by deleting from the last sentence of subsection (b) in Section 1 the word " company" and substituting instead the word " county" .

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 971 by deleting the first sentence of subsection (b) of the amendatory language of Section 1 and by substituting instead the following:

This section shall apply to all companies or entities providing telephone service in this state as public utilities, including, but not limited to, telephone companies regulated by the Tennessee Public Service Commission.

On motion, Amendment No. 2 was adopted.

Rep. Duer moved that **House Bill No. 971**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Westmoreland -- 1.

A motion to reconsider was tabled.

***House Bill No. 1607** -- Board of Regents -- Provides that student member from board of regents system does not have to remain at institution from which nominated during such student's term on commission. Amends TCA Title 49, Chapter 7, Part 2. by *McDonald, *Stamps (SB1713 by *Springer, *Crutchfield, *Dixon).

On motion, House Bill No. 1607 was made to conform with **Senate Bill No. 1713**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that **Senate Bill No. 1713** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0
Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1673 -- Taxes, Sales -- Exempts repair of medical equipment or devices for handicapped persons from sales tax. Amends TCA Section 67-6-314. by *Lewis, *Eckles (*SB857 by *Person).

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Lewis moved that **House Bill No. 1673** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0
Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U.

(Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 599** -- University of Tennessee -- Adds UT Board of Trustees institution faculty member to board of trustees for three year term; rotates representation through system. Amends TCA Title 49, Chapter 9, Part 2. by *Herron, *Pinion (SB1404 by *Gilbert, *Hamilton, *Wallace, *Crowe, *Crutchfield, *Rochelle, *Womack, *Springer, *Holcomb, *Rice, *Person, *Miller, *Cohen).

On motion, House Bill No. 599 was made to conform with **Senate Bill No. 1404**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 1404 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Herron moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1404 by deleting from amendatory subdivision (a)(8) of Section 1, as amended, the words "current faculty senate president" and substituting the words "the faculty senate president who served during the academic year preceding service as trustee" .

Rep. Herron moved that Senate Bill No. 1404 be reset to the Calendar for Monday, April 3, 1995, which motion prevailed.

House Bill No. 1113 -- Drugs -- Prohibits sale or distribution of ephedrine hydrochloride to any person under 18; requires maintenance of register of purchasers and monthly transmittal of register to local law enforcement agency and TBI; violation is Class A misdemeanor punishable by fine only. Amends TCA Title 39, Chapter 17, Part 4. by *Turner (Hamilton), *Miller, *Patton (*SB1348 by *Burks).

Rep. Turner (Hamilton) moved that House Bill No. 1113 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1113 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, is amended by adding a new section
thereto, as follows:

Section 39-17-431. (a) Except as hereinafter provided, any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine may be dispensed only upon the prescription of a duly licensed practitioner authorized by the laws of the state to prescribe prescription drugs.

(b) Any product containing ephedrine, as described in subdivision (b) (1-4) below, shall be exempt from subsection (a) if it may lawfully be sold over the counter without a prescription under the federal Food, Drug, and Cosmetic Act; is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; and is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse:

(1) Solid oral dosage forms (including soft gelatin caplets) that combine active ingredients in the following ranges for each dosage unit:

Ephedrine (i) Theophylline (100 - 130 mg),
(12.5 - 24 mg);

Ephedrine (12.5 (ii) Theophylline (60 - 100 mg),
- 400 mg); - 24 mg), Guaifenesin (200

Guaifenesin (200 (iii) Ephedrine (12.5 - 25 mg),
- 400 mg);

(iv) Phenobarbital (not greater than 8 mg) in combination with ingredients of subdivision (1) or (2) above.

(2) Liquid oral dosage forms that combine active ingredients in the following ranges for each (5 ml) dose:

(i) Theophylline (not greater than 45 mg),
Ephedrine (not greater than 36 mg),
Guaifenesin (not greater than 100 mg),
Phenobarbital (not greater than 12 mg);

(ii) Phenylephrine (not greater than 5 mg),
Ephedrine (not greater than 5 mg), chlorpheniramine (not greater than 2 mg), dextromethorphan (not greater than 10 mg), ammonium Cl (not greater than 40 mg),
ipecac fluid extract (not greater than 0.005 ml).

(3) Anorectal preparations containing less than five percent (5%) ephedrine.

(4) Any liquid compound mixture, or
preparation containing one-half percent
(0.5%) or less of ephedrine.

(c) The marketing, advertising, or labeling of any
product containing ephedrine, a salt of ephedrine, an optical
isomer of ephedrine, or a salt of an optical isomer of
ephedrine, for the indication of stimulation, mental alertness,
weight loss, appetite control, or energy, is prohibited. In
determining compliance with this requirement the following
factors may be considered:

- (1) The packaging of the product;
- (2) The name and labeling of the product;
- (3) The manner of distribution, advertising, and
promotion of the product;
- (4) Verbal representations made concerning the
product;
- (5) The duration, scope, and significance of
abuse or misuse of the particular product.

(d) Violation of any provision of this section is a
Class A misdemeanor punishable by fine only.

SECTION 2. This act shall take effect July 1, 1995,
the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. Turner (Hamilton) moved that **House Bill No. 1113**, as
amended, be passed on third and final consideration, which motion
prevailed by the following vote:

Ayes 93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby),
Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel,
McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach,
Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart,
Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps,
Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,
Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams
(Williamson), Windle, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Newton -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1113 and have this statement entered in the Journal: Rep(s). Newton.

REGULAR CALENDAR, CONTINUED

House Bill No. 1320 -- Physicians and Surgeons -- Permits notarized copies to be used as acceptable documentation for licensure of residents. Amends TCA Section 63-6-207. by *Turner (Hamilton), *Wood, *Armstrong, *Pruitt, *Turner (Shelby), *Eckles (*SB596 by *Atchley).

On motion, House Bill No. 1320 was made to conform with **Senate Bill No. 596**; the Senate Bill was substituted for the House Bill.

Rep. Turner(Hamilton) moved that Senate Bill No. 596 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Turner (Hamilton) moved that **Senate Bill No. 596** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 553** -- Gas, Petroleum Products, Volatile Oils -- Requires natural gas dispenser to meet National Fire Protection Association 52 Standard; grandfathers present dispensers. Amends TCA Title 68, Chapter 120. by *Kernell, *Haley (SB595 by *Atchley).

On motion, House Bill No. 553 was made to conform with **Senate Bill No. 595**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 595** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 889 -- Historical Sites -- Directs division of archaeology to establish program to provide archaeological information to schools and other interest groups. Amends TCA Title 11, Chapter 6. by *Burchett (*SB473 by *Atchley).

On motion, House Bill No. 889 was made to conform with **Senate Bill No. 473**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 473 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Burchett moved that **Senate Bill No. 473** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Ayes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

House Bill No. 1635 -- Hazardous Materials -- Redefines "commercial facility" for storage and treatment of hazardous waste to exclude facilities which receive mixed hazardous waste pursuant to order or agreement with commissioner of environment and conservation or solid waste disposal control board. Amends TCA Section 68-212-104. by *Whitson, *Coffey (*SB1630 by *Haun,*McNally).

Further consideration of House Bill No.1635, previously considered on March 27, 1995, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 1635 was made to conform with **Senate Bill No. 1630**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that **Senate Bill No. 1630** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	19
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, Whitson, Williams (Union), Wood -- 68.

Representatives voting no were: Bragg, Bell, Byrd, DeBerry, L., Givens, Herron, Kisber, Langster, Lewis, Phillips, Purcell, Ridgeway, Rigsby, Ritchie, Walley, West, White, Windle, Mr. Speaker Naifeh -- 19.

Representatives present and not voting were: Brooks, Brown, DeBerry, J., Odom -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 1630 and have this statement entered in the Journal: Rep(s). Halteman Harwell, Stamps, and McKee.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 14** -- Constitutional Amendments -- Proposes amendment establishing constitutional rights for victims of crime and authorizing general assembly to enact legislation to define, enforce, implement and protect such rights. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell, *Lewis, *Walley, *Byrd, *Ford S, *Purcell, *Givens, *Westmoreland, *Chumney, *McMillan, *Windle, *Bird, *Peach, *Stamps, *Cross, *Williams (Williamson), *Boyer, *Kisber, *White, *Jackson, *McDaniel, *Kernell.

Further consideration of House Joint Resolution No. 14, previously considered on March 27, 1995, at which time it was reset for today's Calendar.

Rep. Herron requested that the Clerk read the resolution for the second Constitutional reading.

The Clerk read the resolution for the second Constitutional reading.

Rep. Herron moved that House Joint Resolution No. 14 be reset to the Calendar for Thursday, March 30, 1995, which motion prevailed.

***House Bill No. 363** -- Board of Regents -- Adds faculty member to board of regents for three year term; rotates appointments among board of regents institutions. Amends TCA Title 49, Chapter 8, Part 2. by *Pinion, *Herron (SB1719 by *Cohen, *Dixon, *Crowe).

On motion, House Bill No. 363 was made to conform with **Senate Bill No. 1719**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 1719 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Pinion moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1719 by deleting the third sentence of the amendatory language in Section 2 of the printed bill and substituting the following:

The governor shall appoint the faculty member from a list of three (3) nominees who shall be:

- 1) the president of the faculty senate, or equivalent body, at a four-year institution;
- 2) the president of the faculty senate or equivalent body, at a two-year institution; and
- 3) a representative of the faculty, selected by the faculty, at a technical institute or a technology center.

The first nominee from a four-year institution shall be from Austin Peay State University, followed by East Tennessee State University, the University of Memphis, Middle Tennessee State University, Tennessee State University, and Tennessee Technological University. When a nominee has been submitted from each four-year institution, the alphabetical cycle shall be repeated. The first nominee from a two-year institution shall be from Chattanooga State Technical Community College, followed by Cleveland State Community College, Columbia State Community College, Dyersburg State Community College, Jackson State Community College, Motlow State Community College, Roane State Community College, Shelby State Community College, Volunteer State Community College, and Walters State Community College. When a nominee has been submitted from each two-year institution, the alphabetical cycle shall be repeated. The first nominee from a state technical institute/technology center shall be from Nashville State Technical Institute, followed by Northeast State Technical Community College, Pellissippi State Technical Community College, the State Technical Institute at Memphis, and the state technology centers located at Athens, Covington, Crossville, Dickson, Elizabethton, Harriman, Hartsville, Hohenwald, Jacksboro, Jackson, Knoxville, Livingston, McKenzie, McMinnville, Memphis, Morristown, Murfreesboro, Nashville, Newbern, Oneida, Paris, Pulaski, Ripley, Savannah, Shelbyville, and Whiteville. When a nominee has been submitted from each technical institute and technology center, the alphabetical cycle set out above shall be repeated. The nominees from the applicable institutions each year shall be forwarded to the chancellor of the state board of regents for submission to the governor.

On motion, Amendment No. 2 was adopted.

Rep. Pinion moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1719 by inserting the words " or technology center" following the words " an institution" in the first line of the amendatory language in Section 2 of the printed bill.

On motion, Amendment No. 3 was adopted.

Rep. Pinion moved that **Senate Bill No. 1719** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce,

Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

House Bill No. 1236 -- Traffic Safety -- Purports to change certain highway speeding offenses by changing present law from is a Class C misdemeanor to shall be a Class C misdemeanor; makes speeding offenses in business, urban or residential districts Class B misdemeanor. Amends TCA Section 55-8-152 and 153. by *Windle (SB1502 by *Womack).

Further consideration of House Bill No. 1236, previously considered on March 27, 1995, at which time the House was on the motion to adopt Amendment No. 1, and then reset the bill for today's Calendar.

Rep. Buck renewed his motion to adopt Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1236 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-152(g)(2), is amended by inserting the following language following the last sentence of that section:

However, notwithstanding any provision of the law to the contrary, a violation of the reduced speed limits set by the department of transportation, pursuant to Section 55-8-153, is a Class B misdemeanor when employees of the department of transportation or construction workers are present.

SECTION 2. Tennessee Code Annotated, Section 55-8-153, is by adding the following paragraph:

(e) A violation of the speed limits established by the department of transportation, pursuant to subpart (a) of this section shall be a Class B misdemeanor when employees of the department of transportation or construction workers are present. The department of transportation, or its agents, are hereby directed to indicate the presence of workmen or department employees with signs with flashing amber lights. The minimum fine for a violation of the speed limits set under this section shall be two hundred fifty dollars (\$250).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Shirley moved that House Bill No. 1236 be reset to the Calendar for Wednesday, April 19, 1995, which motion prevailed.

***House Joint Resolution No. 106 -- Constitutional Amendments --**
Deletes constitutional ban on lotteries. by *Kernell, *Langster, *Cantrell, *Davis, *Jones, S., *Pruitt, *Towns, *Miller L, *Chumney, *Brooks, *Napier, *Stamps, *Odom, *Head, *Arriola.

Rep. Kernell moved that House Joint Resolution No. 106 be reset to the Calendar for Thursday, March 30, 1995, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 279 -- Taxes, Sales -- Exempts helicopter sales and repairs from sales and use tax if helicopter is removed from state within 15 days of purchase or has its situs outside Tennessee. by *Kisber, *Bragg, *Ramsey, *Jones R (Shelby), *Whitson, *Westmoreland, *Venable, *Purcell, *West, *Turner (Hamilton), *Davis, *Rhinehart, *Patton, *Hicks, *Cole (Carter), *Ford, *Givens (*SB245 by *Rochelle, *Wilder, *Haun, *Hamilton, *Cooper, *Holcomb, *McNally, *Elsea, *Crowe, *Wallace, *Haynes, *Rice, *Miller, *Carter, *Person).

Senate Amendment No. 1

AMEND House Bill No. 279 by inserting the language " or airplanes" following the word " helicopters" wherever the word appears in subparagraph (1)(A) of the amendatory language of the bill.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 279**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 592** -- Health -- Enacts "Osteoporosis Prevention and Treatment Education Act." Amends TCA Title 68, Chapter 1. by *Pruitt, *Bowers, *Langster, *Turner (Shelby), *Brooks, *Jones, S., *Armstrong, *Brown, *Jones R (Shelby), *Miller, *DeBerry L, *Jones U (Shelby), *DeBerry J, *Hassell, *Eckles, *Halteman Harwell, *Turner (Hamilton), *Chumney, *Duer, *McMillan, *Williams (Union), *Boyer, *Patton (SB930 by *Harper, *O'Brien, *Ford, *Person).

Senate Amendment No. 1

AMEND House Bill No. 592 by inserting the following as a new, appropriately numbered section immediately preceding the final section and by renumbering the final section accordingly:

SECTION __. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 592**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Shirley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 193 out of order, which motion prevailed.

House Joint Resolution No. 193 -- Memorials, Public Service -- Former Germantown Mayor Charles Salvaggio, Lions Club "Citizen of the Year". by *Shirley, *Haley, *Hassell.

BILLS WITHDRAWN

On motion of Rep. Davis, **House Bill No. 1486** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Davidson, **House Bill No. 587** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Curtiss, **House Bill No. 358** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Eckles, **House Bill No. 1780** was recalled from the Commerce Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 30, 1995 :

House Bill No. 1097 : by Rep. Fowlkes.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 129: Rep(s). Haley as prime sponsor(s).

House Joint Resolution No. 135: Rep(s). Haley as prime sponsor(s).

House Bill No. 30: Rep(s). Stamps as prime sponsor(s).

House Bill No. 90: Rep(s). Tindell as prime sponsor(s).

House Bill No. 169: Rep(s). McDaniel and Bittle as prime sponsor(s).

House Bill No. 229: Rep(s). Langster as prime sponsor(s).

House Bill No. 406: Rep(s). Davidson, Garrett, Stamps, Kisber and Haley as prime sponsor(s).

House Bill No. 546: Rep(s). Halteman Harwell as prime sponsor(s).

House Bill No. 742: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 804: Rep(s). Patton, McDaniel, Towns, Miller, Bowers, Jones U (Shelby), Jones R (Shelby), DeBerry J and DeBerry L as prime sponsor(s).

House Bill No. 853: Rep(s). Sharp as prime sponsor(s).

House Bill No. 1007: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1092: Rep(s). McMillan as prime sponsor(s).

House Bill No. 1175: Rep(s). Haley as prime sponsor(s).

House Bill No. 1354: Rep(s). Roach as prime sponsor(s).
House Bill No. 1490: Rep(s). McMillan as prime sponsor(s).
House Bill No. 1516: Rep(s). Tindell as prime sponsor(s).
House Bill No. 1545: Rep(s). Rhinehart as prime sponsor(s).
House Bill No. 1609: Rep(s). McDonald as prime sponsor(s).
House Bill No. 1651: Rep(s). Haley as prime sponsor(s).

MESSAGE FROM THE GOVERNOR
March 29, 1995

MR. SPEAKER: I am directed by the Governor to return herewith:
House Bill(s) No(s). 297 and 491, with his approval.
HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS
March 29, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1146; House Joint Resolution(s) No(s). 66 and 179; also, House Resolution(s) No(s). 36 and 37.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 29, 1995

The Speaker signed the following: House Bill(s) No(s). 1146; House Joint Resolution(s) No(s). 66 and 179; also, House Resolution(s) No(s). 36 and 37.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 29, 1995

The Speaker signed the following: Senate Bill(s) No(s). 44, 146, 147, 277, 353, 354, 427, 428, 531, 589, 591, 659, 804, 1473, 1480, 1481, 1486, 1506, 1508, 1509 and 1512; also, Senate Joint Resolution(s) No(s). 18, 107, 109, 111, 112, 113, 114, 116, 117, 119 and 128.

ENGROSSED BILLS
March 29, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 187 and 188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

WEDNESDAY, MARCH 29, 1995 -- TWENTY- SIXTH LEGISLATIVE DAY

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 131; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

March 29, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 131.

ENGROSSED BILLS

March 29, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 321, 971, 1113 and 1673.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 174; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 161, 606, 952 and 1006; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1113; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1194; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 598; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 175; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 173; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 9, 75, 948 and 1265; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 9** -- DUI/DWI Offenses -- Authorizes judge to sentence second offense DUI offender to work release program if county has, by two-thirds vote of legislative body, adopted and established such program in accordance with specified guidelines. Amends TCA 41-2-128. by *Kyle.

Senate Bill No. 75 -- Motor Vehicles, Titling and Registration -- Permits alumnus of University of Alabama to purchase special license plate denoting University of Alabama logo and colors. Amends TCA Title 55, Chapter 4. by *Henry, *Henry.

***Senate Bill No. 948** -- Animals -- Authorizes any agent of a humane society to institute criminal charges against any person who violates the laws pertaining to cruelty to animals; present law authorizes such agents within county in which appointed by president of society to make arrest and bring offenders before court. Amends TCA Title 39, Chapter 14, Part 2. by *Rochelle, *Rice.

***Senate Bill No. 1265** -- Motor Vehicles, Titling and Registration -- Requires Tennessee district exchange club members to order at least 100 registration plates before any such plate is issued. Amends TCA Title 55, Chapter 4, Part 2. by *Cohen, *Kyle.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1146; also House Joint Resolution(s) No(s). 66 and 179; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 121, 124 and 127; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 30, 1995.